



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- 1 -

0350 #5

GAU 1614

TECH CENTER 1600/2900

MAR 06 2002

RECEIVED

In Re Application of:

Jacobs et al.

Serial No.: 10/023,441

Group Art Unit.: 1614

Filing Date: December 18, 2001

Examiner: Not Yet Known

For.: MODAFINIL COMPOUND AND CYCLODEXTRIN MIXTURES

DATE OF DEPOSIT: February 26, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

*Patricia A. Sexton*

Printed Name: Patricia A. Sexton

Assistant Commissioner for Patents  
Washington DC 20231

Dear Sir:

### INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F. R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. § 1.56(b).

- 1a. ☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above-identified application as set forth in § 1.491, or before the mailing date of a first Office Action on the merits of the above-identified application whichever occurs last, no additional fee is required.

- b. ☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:
- ☐ Certification in Accordance with § 1.97(e) is attached; or
  - ☐ The fee of **\$180.00** as set forth in § 1.17 (p) is attached.
  - ☐ The Commissioner is authorized to charge payment of the fee of **\$180.00** as set forth in § 1.17(p) from Deposit Account No. 03-1195.
- c. ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first, therefore:
- ☐ Certification in accordance with § 1.97(e) is attached; or
  - ☐ The fee of **\$180.00** as set forth in § 1.17 (p) is attached.
  - ☐ The Commissioner is authorized to charge payment of the fee of **\$180.00** as set forth in § 1.17(p) from Deposit Account No. 03-1195.
- d. ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the period specified in § 1.97(d) but on or before the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of **\$130.00** as set forth in § 1.17(i)(1).
- 2a. ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- b. ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith, EXCEPT THAT:
- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
  - ☐ In accordance with § 1.98(d), copies of the following references

listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:

☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

3a. ☒ All listed references are in the English language.

b. ☐ Reference { } is not in the English language and enclosed is:

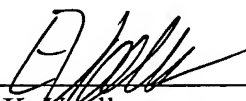
\_\_\_\_\_ an English translation

\_\_\_\_\_ an English language abstract

\_\_\_\_\_ a concise explanation of its relevance

Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195. This sheet is provided in duplicate.

Date: February 26, 2002

  
Eric K. Voelk  
Registration No. 45,185

CEPHALON, Inc.  
145 Brandywine Parkway  
West Chester, PA 19380  
Telephone: (610) 738-6465  
Facsimile: (610) 738-6590